

IC 33-32-4

Chapter 4. Child Support Payments

IC 33-32-4-1

"Electronic funds transfer" defined

Sec. 1. As used in this chapter, "electronic funds transfer" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, that is initiated through an electronic terminal, a telephone, or a computer or magnetic tape for the purpose of ordering, instructing, or authorizing a financial institution to debit or credit an account.

As added by P.L.98-2004, SEC.11.

IC 33-32-4-2

"Indiana support enforcement tracking system (ISETS)" defined

Sec. 2. As used in this chapter, "Indiana support enforcement tracking system (ISETS)" refers to the statewide automated system for the collection, disbursement, and distribution of child support payments established by the division of family and children.

As added by P.L.98-2004, SEC.11.

IC 33-32-4-3

Receipt of funds

Sec. 3. The clerk may receive funds:

- (1) in payment of judgments; and
- (2) ordered to be paid into the court by the judge.

As added by P.L.98-2004, SEC.11.

IC 33-32-4-4

Clerk's liability

Sec. 4. Except as provided in sections 5 and 8 of this chapter, the clerk is liable, with the clerk's sureties, on the clerk's official bond for all funds received to any person who is entitled to demand and receive those funds from the clerk.

As added by P.L.98-2004, SEC.11.

IC 33-32-4-5

Clerk not liable

Sec. 5. The clerk is not personally liable or liable in the clerk's official capacity on the clerk's official bond for funds received if the clerk:

- (1) through error or in accordance with the best information available to the clerk, disbursed the funds to a person the clerk reasonably believed to be entitled to receive the funds and to comply with a:
 - (A) child support order; or
 - (B) garnishment order;
- (2) inappropriately disbursed or misapplied child support funds, arising without the knowledge or approval of the clerk, that resulted from:

- (A) an action by an employee of, or a consultant to, the division of family and children;
- (B) an ISETS technological error; or
- (C) information generated by ISETS;
- (3) disbursed funds that the clerk reasonably believed were available for disbursement but that were not actually available for disbursement;
- (4) disbursed child support funds paid to the clerk by a personal check that was later dishonored by a financial institution; and
- (5) did not commit a criminal offense as a part of the disbursement.

As added by P.L.98-2004, SEC.11.

IC 33-32-4-6

Improper disbursement of funds

Sec. 6. If the clerk improperly disburses funds in the manner described by section 5 of this chapter, the clerk shall do the following:

- (1) Deduct the amount of funds improperly disbursed from fees collected under IC 33-37-5-6.
- (2) Credit each account from which funds were improperly disbursed with the amount of funds improperly disbursed under section 5 of this chapter.
- (3) Notify the prosecuting attorney of the county of:
 - (A) the amount of the improper disbursement;
 - (B) the person from whom the amount of the improper disbursement should be collected; and
 - (C) any other information to assist the prosecuting attorney to collect the amount of the improper disbursement.
- (4) Record each action taken under this subsection on a form prescribed by the state board of accounts.

As added by P.L.98-2004, SEC.11.

IC 33-32-4-7

Reimbursement

Sec. 7. If:

- (1) fees collected under IC 33-37-5-6 are credited to an account under section 6(2) of this chapter because a check or money order was dishonored by a financial institution or was the subject of a stop payment order; and
- (2) a person subsequently pays to the clerk all or part of the amount of the check or money order that was dishonored or the subject of a stop payment order;

the clerk must reimburse the account containing fees collected under IC 33-37-5-6 using the amount the person paid to the clerk.

As added by P.L.98-2004, SEC.11.

IC 33-32-4-8

Dishonored checks

Sec. 8. The clerk is not personally liable for the amount of a

dishonored check, for penalties assessed against a dishonored check, or for financial institution charges relating to a dishonored check, if:

- (1) the check was tendered to the clerk for the payment of a:
 - (A) fee;
 - (B) court ordered payment; or
 - (C) license; and
- (2) the acceptance of the check was not an act or omission constituting gross negligence or an intentional disregard of the responsibilities of the office of clerk.

As added by P.L.98-2004, SEC.11.

IC 33-32-4-9

Electronic funds transfer

Sec. 9. (a) The clerk may provide for the:

- (1) payment; and
- (2) disbursement;

of child support payments by electronic funds transfer.

(b) A person may request the clerk in writing to allow the person to:

- (1) pay child support to the clerk; or
- (2) receive child support payment distributions from the clerk;

by means of an electronic funds transfer.

(c) A person's written request must authorize in advance the electronic funds transfer. The person's written authorization must designate a financial institution and an account number. The person's authorization remains in effect until the person revokes it in writing.

(d) The clerk may not make an electronic funds transfer under this section except in accordance with procedures adopted by the state board of accounts.

As added by P.L.98-2004, SEC.11.